IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29/08/2002

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THE HONOURABLE MR. JUSTICE P.K. MISRA

W.P.NO.10212 OF 2001
and
W.M.P.No.33162,14716 of 2001
and
WVMP.No.519 of 2002

M. Ramprakash .. Petitioners

-Vs-

1. Pondicherry University,
rep. by its Registrar,
R. Venkataraman Nagar,
Kalapet,
Pondicherry 605 014.

2. The Controller of Examinations
Pondicherry University,
Pondicherry 605 104.

3. The Deputy Registrar (ACA.II),
Pondicherry University,
Kalapet, Pondicherry 605 014.

4. Bharathiyar College of Engineering
and Technology, rep. by its
Principal, Mandapathur Village,
Thiruvettakudi, Karaikkal 609 609 ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus as stated therein.

For Petitioner : Mr. Doraisami
Senior Counsl for
Mrs.Muthumani Doraisami &
Mr. Kandavadivel Doraisami

For Respondents 1-3: Mrs.G. Thilakavathi
For Respondent -4 : No Appearance

:J U D G M E N T

This writ petition has been filed to quash the order of cancellation made by the third respondent dated 11.5.2001 and direct the respondents to permit the petitioner to complete the B. Tech. course.

2. Petitioner was admitted during the academic year 2000-2001 in the I year B. Tech Course under the fourth respondent college which is affiliated to the first respondent University. As per the eligibility conditions prescribed in the prospectus for the year 2000-2001 it had been indicated :-
(A) Minimum qualification for admission
(1) Admission to B.Tech. degree courses
(i) a. Candidates seeking admission to the first year of the 4 year (8 semester) B.Tech. degree course should have a pass in the H.S.C.

(Academic) examination conducted by the Board of Higher Secondary Examination of Tamil Nadu or any other equivalent examination thereto with a minimum of 50% marks in aggregate in the following subjects :

(a) Mathematics
(b) Physics
(c) Chemistry
OR

b. Candidates seeking admission to first year of 4 year (8 semester) B.Tech degree course, should have a pass in HSC examination ( Vocational stream) in the area of engineering and Technology conducted by Board of Higher Secondary examination of Tamil Nadu with a minimum of 50 % marks in aggregate in the following subjects (for residents of Union Territory of Pondicherry only):

(a) Vocational subjects.
(b) Related subjects (Mathematics / Physics / Chemistry)

3. The petitioner who had secured 49.66% in the relevant subjects in the qualifying examination applied for admission and was admitted to B.Tech course in 4th respondent college. Thereafter the petitioner appeared in the first semester examination. When the petitioner was preparing for second semester examination, he was informed by the 4th respondent college that admission of the petitioner was cancelled by the Pondicherry University as per the order of the third respondent dated 11.5.2001. Cancellation was effected on the footing that the petitioner had secured only 49.66% marks as against minimum requirement of 50% marks in aggregate. The aforesaid order of cancellation has been challenged in this writ petition on the ground that the order had been passed without following the principles of natural justice and the University should not have cancelled the admission of the petitioner having admitted and having been allowed to appear in the first semester examination. It has been also contended that since the petitioner has secured 49.66% marks, keeping in view the normal practice in such matters, the percentage should have been rounded off and it should have been held that the petitioner had secured 50% marks.

4. On the basis of the aforesaid averments, when the writ petition was admitted, an order of stay was granted. The University after entering appearance, has filed petition to vacate the order of stay and filed a counter along with such petition. As per the interim order, the petitioner was allowed to continue in the college and has been allowed to appear in the subsequent semester examinations without prejudice to the contentions of the parties.

5. In the counter affidavit it has been submitted that minimum requirement being 50% of marks in aggregate, the petitioner who had secured 49.67& should not have been admitted and the admission given by the 4th respondent college was contrary to the guidelines framed by the Centralised Admission Committee (CENTAC in short). It has been further submitted that at the time of granting permission to the petitioner to appear at the first semester examination, relevant information had not been produced by the college and merely because the petitioner was allowed to appear in the first semester examination, should not be considered as bar as there cannot be any estoppel against the provisions of law.

6. Though several contentions have been raised by the counsel for the petitioner like principle of estoppel and principle of natural justice, it is unnecessary to deal with those contentions as in my opinion the main contention of the petitioner to the effect that since the petitioner had secured 49.67%, the same may be rounded off as per the normal practice appears to be plausible.

7. A perusal of the provisions contained in the prospectus makes it clear that a candidate has to secure 50% marks in aggregate in the specified subjects. It is obvious that to find out percentage of marks in specified subjects, the marks secured in those subjects are to be added and percentage of marks is to be calculated. If while calculating such percentage there is a fraction or decimal point which is more than an half or 0.5, it is the usual practice to round off such fraction or decimal point to the nearest round figure. If such a procedure is adopted, it is seen that the petitioner who had secured 49 .67% in the subjects in question, can be said to have secured 50% of marks by rounding off the decimal 0.67 to whole number. It is obvious that the petitioner was allowed to appear at the Joint Entrance Test and obviously after being selected in such joint entrance text, he was given admission. The petitioner has already taken admission on the basis of such calculation and had appeared in first semester examination. Subsequently by virtue of the interim order passed by this Court, he was allowed to appear in the subsequent semester examinations. In the peculiar facts and circumstances of the case, I feel interest of justice would be served by permitting the petitioner to continue the course.

8. For the aforesaid reasons, the writ petition is allowed and the order of cancellation dated 11.5.2001 is quashed. There is no order

as to costs. Consequently, the connected Miscellaneous Petitions are closed.

29-08-2002

Index: Yes
Internet : Yes
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P.K. MISRA, J.

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